S. HRG. 98-311

FEDERAL-AID HIGHWAY EMERGENCY RELIEF PROGRAM

HEARING

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

S. 1354

A BILL TO INCREASE THE AMOUNT AUTHORIZED TO BE EXPENDED FOR EMERGENCY RELIEF UNDER TITLE 23, UNITED STATES CODE, IN FISCAL YEAR 1983 FROM $100,000,000 to $250,000,000, AND FOR OTHER PURPOSES

AND

H.R. 3103

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JULY 21, 1983

Printed for the use of the Committee on Environment and Public Works

U.S. GOVERNMENT PRINTING OFFICE

24-949 O WASHINGTON : 1983

S32436

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FEDERAL-AID HIGHWAY EMERGENCY RELIEF PROGRAM

THURSDAY, JULY 21, 1983

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON TRANSPORTATION,
Washington, D.C.

The subcommittee met at 9:30 a.m., in room SD-406, Dirksen Senate Office Building, Hon. Steven D. Symms (chairman of the subcommittee) presiding.

Present: Senator Symms.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. Good morning.

The Transportation Subcommittee will now proceed. The purpose of the Federal-aid highway emergency relief program is to provide funds for both emergency opening and long-term repair and reconstruction of roads and bridges on the Federal-aid system which have experienced damage due to natural disasters. That, of course, is the purpose of our hearing this morning. It will be a hearing on emergency relief program.

The Surface Transportation Assistance Act of 1982 provided $100 million for this program per year for fiscal years 1983 through 1986. We recognized that with increased highway and bridge repair costs this amount probably would not be sufficient, particularly if an unexpectedly large number of disasters occurred in a short period of time. Therefore, Congress limited Federel participation to $30 million per disaster per State so that everyone would receive at least some assistance.

Now we are in a situation where several costly disasters have occurred within the space of a few months, and the States which have experienced these disasters have requested an exemption from the $30 million cap. If such an exemption is granted, there are not sufficient emergency relief funds authorized to pay for all the eligible projects.

In addition, the committee is faced with providing additional emergency relief funds for a project which is not eligible for such funds because it is on a toll facility. The fiscal year 1984 Department of Transportation appropriations bill currently contains a provision which would provide $21 million in emergency relief funds for the bridge which recently collapsed in Connecticut.

We are asking the witnesses to address the following issues this morning: No. 1, the amount of funds which will be required for the emergency relief program through fiscal year 1986 for all of the disasters which have occurred to date and where these funds should come from; No. 2, the effect of the $30 million cap; No. 3, whether a State match should be required for the program; and No. 4, whether the eligibility criteria for the program are adequate.

I look forward to hearing the testimony of our witnesses today and we are delighted to have the Honorable Alan Cranston, the senior Senator from California, and the Honorable Pete Wilson, the junior Senator from California this morning, and I think also is Congressman Lantos in the room?

VOICE. He will be here shortly.

Senator SYMMS. He will be here shortly, so we will get him up as soon as he comes in. We will ask him to join the Senators at the table.

I might, at this point, ask unanimous consent that immediately after the testimony of our three Members of Congress who will be with us this morning, that we insert into the record the testimony of Congressman Richard Durbin from the 20th District of Illinois before the Senate committee this morning so that will be in the record immediately following their testimony. [See p. 10.]

Senator Cranston, we are glad to have you here this morning and Senator Wilson, and why don't you go ahead and proceed.

STATEMENT OF HON. ALAN CRANSTON, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator CRANSTON. Thank you very much, Mr. Chairman.

I am grateful for this opportunity to address the growing need for increased emergency repair relief for our Nation's Federal highways. I have introduced S. 1354—which the subcommittee considers today—to provide sufficient Federal funds to help the States meet emergency needs. I am here this morning with my friend, colleague, and cosponsor, Senator Pete Wilson to ask your favorable action on this vital measure.

For much of our country, this has been a devastating winter. Floods, mudslides, unusually heavy rains and snow have battered not only California highways, but those of 13 other States. The consequence is a road damage estimate of $351 million nationwide for this year. This could rise even higher as the record snow packs in mountain States melt to cause even more flooding in Colorado, Utah, Arizona, and California, and the hurricane season approaches for coastal States.

Yet we now have only $36 million left to assist States and localities in opening and repairing damaged Federal aid roads. The California Department of Transportation estimates it could obligate $35 million in additional emergency relief funds before the end of this fiscal year, if the funds were available. The Federal Highway Administration indicates that Utah, another battered State, could also obligate an additional $19 million before October. There may be other States in a similar position. Yet the funds are not there. We are $19 million short to deal with the immediate needs of just Utah and California.

Because of this shortfall, States cannot proceed with needed work now and avoid additional costly damage that winter rains and snow will bring if roads are not restored before the storms occur.

In California alone, local and State governments will have to pay at least $21 million out of local and State funds to repair damaged roads and streets. Further delays in enacting increased arthorizations for emergency relief will only increase the costs to all levels of government. I urge the committee to report legislation as quickly as possible to avoid further delays and additional costs.

An essential point made by my distinguished colleague, Senator Wilson, is the need to waive the $30 million cap per disaster. California's 770 miles of coastline and extensive highway network make it vulnerable to disasters of unparalleled magnitude. When highways are buffeted and flooded—as they were this year—by 6 months of record rains, massive high tides and continuous wave action, the existing ceiling per disaster is unrealistic. If it is not waived for at least this year, California would recover only $30 million of the $155 million in damages its Federal aid highways have sustained. This is because FHWA has determined that California's 3 months of almost continuous storms can qualify as only one disaster rather than as a series of disasters. Because of this determination, FHWA has also indicated that a waiver of the ceiling per disaster is necessary and acceptable to accommodate California's needs. I therefore urge the committee to waive the $30 million cap per disaster on the additional emergency relief authorization as provided in S. 1354.

Finally, Mr. Chairman, I would point out that the $150 million increase in fiscal year 1983 emergency relief funds included in S. 1354 will have no negative impact on the Federal budget. Funds come from the highway trust fund to finance the expanded program, so no additional appropriation is needed. In addition, S. 1354 will not reduce other States' highway apportionments. The bill is, however, critically important to communities throughout my State which have been isolated by floods and landslides and where commerce has been interrupted for as much as 11 weeks. The costs to Californians of just opening roads on an emergency basis is more than the total storm damage allocation made thus far to the State.

For all these reasons and others, I urge the committee's favorable action on this much needed legislation.

I regret, Mr. Chairman, I can't stay with the committee. Two other committees require my attendance in the next 15 minutes. I would be glad to respond in writing to any questions that might be posed.

Senator SYMMS. Thank you very much, Senator. We appreciate your testimony. Your statement is very concise. You say you need to leave right now?

Senator CRANSTON. Yes, I do.

Senator SYMMS. You are suggesting that we take this additional funding out of our already solvent trust fund; is that.what you are suggesting?

Senator CRANSTON. Yes, that is right, so there is no budget impact.

Senator SYMMS. Thank you very much.

Senator CRANSTON. Thank you very much.
Senator SYMMS. Senator Wilson.

STATEMENT OF HON. PETE WILSON, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator WILSON. Thank you very much, Mr. Chairman, and I thank my colleague, Senator Cranston, for his leadership on this effort. I want to simply supplement several of the comments that he has made.

The importance of S. 1354, I think, is obvious. It is clear that the chairman, from your opening statement, has a clear understanding of what has happened nationwide. I can only say that what has happened in so many States, including the chairman's State of Idaho, has happened in California in spades. Unfortuntely, what we faced in this past winter is almost without precedent. Starting last fall and continuing through the winter and spring, the State was hit with not one short localized storm but with a continuous series of storms which struck the full length of the State.

The rain and snow have completely soaked our montainous terrain, causing entire hillsides to come down and huge slides to block roads for long periods. The State spent a great deal throughout the winter attempting to keep the transportation system operating and to keep access open to communities and commerce. We have experienced major damage in more than 750 separate areas. The damage on all of the State's roads totals almost $220 million.

About $155 million of that is on Federal-aid routes, and therefore, it is eligible for Federal emergency aid relief. Of the 46 counties in which a state of emergency was declared by Governor Deukmejian, the Federal relief for roads has been approved in 27 counties.

Mr. Chairman, local and State governments, obviously, are bearing the initial cost of emergency opening work. The problem is that many States and counties are already extraordnarily hard pressed to fund their regular operations now that they have been faced with this huge financial drain for storm damage repair. The cost of this work will not be reimbursed until all the paperwork and technical reviews are processed, approved, and obtained from the Federal Highway Administration.

The cost of just emergency opening work in California is more than the total California storm damage allocation made to California under the program. Mr. Chairman, I will spare you the recitation of the numerous examples. I have said we suffered damage in 750 areas and described generally the nature of it. To date, the State and local communities have expended $25 million to provide emergency opening of storm damaged Federal-aid roads; $7 million worth of this type of work is still underway. Storm damage restoration work to bring the roads back to their prestorm condition will cost almost $122½ million.

The emergency road relief program under the Surface Transportation Assistance Act of 1982 authorized $100 million per year nationwide for storm damage relief, $100 million nationwide. It restricts the relief, as the chairman indicated in his statement, to $30 million per storm per State. Now, so far, the Federal Highway Ad-

ministration has determined that the one storm cap of $30 million applies to California.

Based on that determination, an allocation of $27 million to local and State Federal-aid State route relief and $3 million for relief for roads on Federal lands has been made to California. This clearly falls far short of the $155 million needed.

The storms ranged over California for a period exceeding 3 months. It's far from reasonable that a finding was made that only one storm caused the damage. To correct this inequity, this legislation would provide the additional $150 million without that $30 million cap.

The State is rushing ahead with restoration contracts and is about to let contracts for $15 million of restoration work. Cities and counties are pursuing similar contracts, and this is work that must be completed prior to the upcoming rainy season if we are to avoid further damage.

To satisfy Federal requirements, emergency relief funds must be obligated for these restoration contracts prior to advertising the contract.

But with only $27 million available, the State is in a difficult position. The State has to decide whether to delay the projects until passage of this bill or to go ahead with the project using State funds already in short supply and forever forgo Federal relief.

The cities and counties are in the same situation. If the bill is not passed soon, the projects will be delayed until fund availability is assured, and work will not be completed prior to the beginning of the rainy season. The roads will surely sustain further damage during this coming winter.

The State, the cities, and the counties need relief now, Mr. Chairman. State and local funds have already been spent to do emergency work. Restoration is beginning to go to contract. The State and local agencies need assurance that increased Federal funds will be forthcoming to insure timely repair to the Federal highway system.

The July 5 status of the nationwide emergency relief funds shows only $36 million remains for all locations nationwide. The remaining $36 million is far, far short of even central California's needs. And other States. Louisiana, Oregon, West Virginia, Mississippi, Alabama, Utah, Massachusetts, Arkansas, North Carolina, and Idaho, have suffered storm damage and need additional funds. The legislation introduced by Senator Cranston and myself will provide the funds to pay for the storm damage in these States. An increase in emergency funds is needed now to provide funds to these States to insure that repair work can get underway without delay.

Increasing the current authorization for emergency road relief funds by $150 million for the current year would not impact the Federal budget. Funds are currently available from the Federal highway trust fund. This bill would provide authorization for this year to repay emergency opening work already done and to fund work just getting underway, therefore, I urge my distinguished colleage on the Environment and Public Works Committee to expedite passage of this desperately needed legislation, S. 1354. I hope it is noncontroversial. There is no question that it is critically needed. I think, Mr. Chairman, we have addressed the source of funding, the effect of the $30 million cap.

You asked, as well, that there be a discussion on the State match.

I think that what you will find in most of the States—but I will address only my own—that there is great difficulty in trying to provide a very significant match. These are communities that also have other storm damage repairs to make on that part of their road network and system that is not eligible for Federal aid. They are pressed, as you know full well on a number of other accounts.

I'm not certain precisely the question that the Chair had with respect to eligibility criteria, but I would be happy to respond.

I see that Congressman Lantos has arrived.

Senator SYMMS. Thank you very much, Pete, and on that subject, I know you have a lot of experience being mayor of San Diego. How much of a match does your legislation call for?

Senator WILSON. Well, it doesn't call for anything.

Senator SYMMS. It calls for total Federal payment.

Senator WILSON. The bill as introduced does not provide for a match.

Senator SYMMS. And the bill that passed the House, is there a match in it?

Mr. LANTOS. No.

Senator SYMMS. Congressman Lantos said "No."

Mr. LANTOS. There is not, Mr. Chairman.

Senator SYMMS. It is my understanding that the administration says they support it, but they wanted a match for the States that participated in it. I just have another question on this.

I basically, support the thrust of what you are trying to do because we do have a problem out there, and in California, the logic of lifting the cap, if one thinks about it, that California actually represents at least 10 percent of the population of the United States, and I suppose—I don't know whether it is 10 percent of the land mass, but I suppose it's even more than that, or at least of the 48 States, so there would be a number of reasons to remove the cap; it is a big State with lots of highways and lots of people.

But we do have a problem, and that is getting projects put in the legislation that don't qualify. I think the House bill has a couple in there already. The Transportation appropriations bill has a project in Connecticut that, tragic as it was, that the bridge went out up in Greenwich. It still clearly doesn't qualify under the Surface Transportation Act. What would you recommend we do about that?

Senator WILSON. Mr. Chairman, I agree that there are limits to what the Federal Government can be expected to do. We are, after all, however, dealing with essentially the same taxpayers; the same people who are paying county property taxes for county roads not eligible for Federal aid are presumably, if not identically, at least in terms of what they pay also Federal income tax payers, but there is a difference in responsibilities at different levels of government.

What we are saying is that on these Federal-aid highways, and you are quite correct, Califiornia has a very considerable number of miles because of the length of the State and breadth, we are asking that, if possible, there be full Federal reimbursement of the initial expenditure made by the State and by local governments. But with respect to the situation, for example, that the chairman

gave, it's not eligible, as I understand it under the act, and we are not suggesting in this legislation that there be an extension beyond present eligibility.

Senator SYMMS. What is your State gas tax now? I think it was raised last year, wasn't it?

Senator WILSON. I think it's now a total of 9 cents.

Senator SYMMS. But is it moving up? California, during the years that your previous Governor was out there, lagged behind the rest of the States on a commitment to roads.

Senator WILSON. We just increased it last year. The legislature acted, and it is now 9 cents.

Senator SYMMS. But is it going to increase next year? Will it move up to 10 or 11 cents? Most of our States are up around 13 cents, I think.

Senator WILSON. The best I can give you, Mr. Chairman, is that there is discussion of a further increase. I cannot assure that it will take place. It seems to me that as I talk to my constituents, when I was a mayor out there, there was a considerable degree of sympathy for additional gasoline taxes for that purpose.

Senator SYMMS. You are quite correct that it is the same taxpayers that pay the Federal highway users fee that pay the State users fee and the county taxes and whatever, so there is no argument from my point of view on that.

I only would say that when some States lag behind others in making the full commitment to the highway program, I think from a Federal prerogative we have some responsibility here to try to see that all the taxpayers in the country are protected. If a State doesn't make a big commitment to the highway program, then the Federal Government shouldn't be expected to come in and make a disproportionate amount of expeditures in that State.

That is one consideration that I think the administration—I will ask Mr. Barnhart when he gets up here—but I think that is one of the reasons why they have tried to make a matching situation out of most of the highway programs so that we do have an equitable distribution of these funds and an equitable participation by all of the people in the country in paying for them.

Before I delay this any further. I don't know, Senator, what your schedule is this morning. I don't think I have any more questions for you.

Senator WILSON. Mr. Chairman, let me just respond in this regard. I would think that if we are talking about allocating Federal funds, it would be pertinent to do those in a way that really reflect the contribution to those Federal funds. I think that if you have your staff check, you will find that California is making the contribution of in excess of 10 percent of the total revenues flowing into the Federal Highway Trust Fund.

Senator SYMMS. I think that's correct, that you have been a donor State.

Senator WILSON. Yes, sir.

Senator SYMMS. Thank you very much.

Senator WILSON. Thank you, Mr. Chairman.

Senator SYMMS. Congressman Lantos.

STATEMENT OF HON. TOM LANTOS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Representative LANTOS. Thank you very much, Mr. Chairman.

Before I make my very brief statement, I want to apologize to you for having to participate in a House Aging Committee hearing, which explains why I came late.

I also would like to make a comment about your last question, if I may. I read, in the testimony of Mr. Barnhart, that the Department of Transportation would not oppose eligibility for this project, and the reason they gave is that the severity of the crisis warrants extending the eligibility criteria in this instance.

Mr. Chairman, in February of this year, the placid paradise of the San Mateo County coast was shattered when all hell broke loose at Devil's Slide, a coastal section of California's Highway 1. Sensational prophecies of popular fiction predicting that California would slide into the sea appeared to be coming true. Following the worst storms to hit the west coast in decades, a 300-foot section of State highway 1 slipped into the ocean, closing all traffic for months and causing severe hardship for thousands of residents. The bucolic serenity of the San Mateo County coast was shattered by a living nightmare.

Commuters found that their usual travel time to work had been trippled in order to bypass the slide—3 hours of driving in tortuous, dangerous detour traffic. Revenues of restaurants, small grocery stores, small motels and other businesses in the area dropped by as much as 90 percent.

We have a small riding academy in the area, Mr. Chairman, which found that its revenue dropped by 94 percent. They could not feed their horses.

This nightmare was further intensified by a mud slide which cosed the connecting California Highway 92, the only remaining exit from the coastal communities. Highway 1, as you know, is the designated evacuation route for this area, an area prone to earthquakes. Thousands of residents were literally trapped on the coast with no exit to inland safety.

In a magnificent display of bipartisanship, the House Surface Transportation Subcommittee, led by Chairman Glenn Anderson of California and the ranking Republican, Bud Shuster of Pennsylvania, held a full day of field hearings in Pacifica and Half Moon Bay, communities on either side of the slide.

They also visited the focal point of the crisis itself—Devil's Slide. My colleagues in the House were shocked and horrified by the devastation of the highway and by the hardship caused by lack of access to residents.

Following this hearing, Mr. Chairman, the subcommittee recommended, the full committee passed, and the House unanimously approved H.R. 3103 and I wish to emphasize that the action, Mr. Chairman, was totally bipartisan and without a single dissenting vote.

This legislation does three things: First, it makes Devil's Slide eligible for emergency highway relief. Second, it increases the amount of funding available only for this year for emergency highway relief, an important consideration not only for California, but

also for the many other States which suffered from last winter's extraordinarily severe weather. And third, it increases the ceiling amount which any one State may receive under the emergency highway relief funding for reasons that you have had a colloquy with Senator Wilson a minute ago.

If California were overlaid on the east coast, it would cover about 13 States, and California would be eligible under present criteria, Mr. Chairman, for $390 million of emergency relief, not $30 million.

The thousands of our fellow taxpayers who live along the spectacularly beautiful coast of San Mateo County are crying out for help to restore this essential section of coastal highway, recently destroyed by torrential rainstorms and earth slides. The bipartisan action of the House in unanimously approving H.R. 3103, spoke eloquently of the vitality and compassion of our democratic government responding to the needs of the victims of a natural disaster.

Mr. Chairman, I respectfully urge you and your colleagues in the Senate to take similar action. S. 1354, introduced by my fellow Californians, Senators Cranston and Wilson, parallels the action already taken by the House. Approval of this legislation will assure the thousands of men, women, and children who live along the San Mateo coast a permanently constructed transportation artery which will safely meet their needs and those of future generations.

Thank you, Mr. Chairman.

Senator SYMMS. Thank you very much for a very excellent statement. We appreciate your testimony. We are looking forward to hearing from Mr. Barnhart next, and I think that we will forego any questions at this point, Congressman, and thank you very much for coming over. I appreciate the point that you made about the magnitude of the size of Califronia and what it would encompass if it were lined up on the eastern seaboard. It is very difficult, but at some point, you have to put a cap on. There has to be some limits, but there can always be an exception, and I think that in this instance, that certainly a case has been made, I think, very fairly that because of a natural disaster out there these projects would qualify under the intention of the act.

However, there are so many of them that they go way over what the cap allowed for, and I think you make a good point that if it could, the State would cover all of New England and then some and some on down into the southern part of the east coast.

So thank you very much. I look forward to working with you in the future.

Representative LANTOS. Thank you very much, Mr. Chairman.

[Congressman Richard Durbin's statement follows:]

Testimony of Congressman Richard Durbin (20th District of Illinois)
before the Senate Committee on Environment and Public Works
Subcommittee on Transportation
July 21, 1983

Mr. Chairman, I would like to lend my support to a particular section within H.R. 3103, which was approved by the House and is pending before this subcommittee. As you know, this bill pertains to emergency assistance for highways damaged by storms and floods earlier this year.

The bill also specifies that a bridge in the vicinity of Valley City, Illinois, and Florence, Illinois, be eligible for federal assistance under the highway bridge replacement program.

The amendment clarifying this funding source was sponsored in the House by myself and Representative Robert Michel, the Republican leader in the House of Representatives. The bridge in question is part of a four-lane expressway extending westward across Illinois, and it runs through the district I represent, as well as the district represented by Congressman Michel.

The Central Illinois Expressway is the most important federal highway project in Western Illinois, and has been for nearly four decades, which represents the time that this project has been in the planning stages.

This highway is deemed so important because of its anticipated beneficial effect on the economy of Western Illinois. This region has suffered abnormally high unemployment rates for many years, including current rates of between 15 and 20 percent for many counties. Additionally, the population of Western Illinois has been declining for years.

A four-lane expressway providing easy access to markets and other areas and cities in Illinois is seen as a means of attracting businesses and jobs and restoring a measure of prosperity to Western Illinois.

There is no opposition to the highway, but there has been considerable controversy regarding the bridge that will cross the Illinois River. On April 6th of this year, construction of the bridge was enjoined by federal judge Hubert Will of Chicago.

In his opinion, the judge upheld the plaintiff's objections to the bridge. Basically, there were two distinct arguments in the judge's decision. One, he indicated that there properly are environmental concerns regarding the location of the bridge. He indicated his belief that the State of Illinois has not adequately explored optional locations. This is a matter to be resolved between the State and the Judge. Our action today neither addresses nor attempts to resolve this environmental aspect of the decision.

However, Judge Will also ruled that Congress had not designated the federal funding source for the bridge with adequate clarity, despite a floor colloquy to this point.

Thus, the intent of the legislative language before you is to satisfy the judge's concerns as to funding alone. To the best of my knowledge, there is no opposition to this bridge project, either in the House or the Federal Highway Administration. Additionally, the 97th Congress approved funding in a very similar instance regarding a bridge crossing the Illinois River at LaSalle-Peru.

I urge the committee to approve this legislative language so that construction of the Valley City bridge, which has been inordinately delayed, can move forward. Our action in Congress will reassert our commitment to this valuable project and set the stage for other parties to resolve the issue regarding the exact location of the bridge.

Senator SYMMS. Now, we would be glad to hear from the Administrator of the Federal Highway Administration, a good friend I have enjoyed working with for the last 2½ years, Mr. Ray Barnhart, from the great State of Texas, where they don't have natural disasters.

STATEMENT OF HON. RAY A. BARNHART, ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION, ACCOMPANIED BY RICHARD D. MORGAN, EXECUTIVE DIRECTOR, FHWA

Mr. BARNHART. Which has a large land area also.

Senator SYMMS. I knew that was coming.

Let the record show that Texas is the second largest State in the Union.

Mr. BARNHART. I knew you would say that.

Senator SYMMS. And if they divided Alaska in half, Texas would be the third largest State in the Union.

Mr. BARNHART. Mr. Chairman, I brought the Executive Director for Federal Highways with me, Dick Morgan. I have a statement, rather detailed, that I would like to submit for the record, and, then, simply engage in some observations and explanations.

Senator SYMMS. Without objection, your entire statement will be in the record.

Mr. BARNHART. Thank you, sir. We do, in fact, support this additional funding contingent upon the requirement of a match with the States which has been suggested at 75–25. We do think that the match necessarily causes a little more prudence in the evaluation of the work that is being done.

We think that local entities ought to have a stake in that kind of remedial work, as well.

We think that the whole basis of the Federal aid highway program has been one of a shared responsibility with Federal and State Governments, and we think it that should continue in the emergency relief category.

That has been our proposal in the past, and we are consistent on that. I must acknowledge that if such a match is authorized, we will have to work out some details on how to implement it.

I do think that the match has to apply to all of the funds within that category and not simply to the additional $150 million that would be provided.

I don't know how we could divvy up the emergency relief fund into two different categories, one which is a 100-percent match and one at a 75–25-percent match. So it does pose some problems.

We do support the 75–25 match, and incidently, regarding the Devils Slide, and the statement which was made that the Federal Highway Administration would not oppose eligibility of the slide, I personally would go stronger than that.

I think it is warranted, and I think it would be advisable to include the Devils Slide.

There are some other changes that we, of course, would recommend, differing somewhat from the legislation itself, and that is, rather than simply removing the cap, we think the two States which are necessarily affected by the cap should be specifically spelled out rather than a blanket exception.

It seems to me if there is a catastrophe of great magnitude, we should have to come back to the Congress. I do think that we could get into all kinds of subjective game playing, if we simply blanketly removed the cap. I think it is appropriate to have the cap but to come back to the Congress for specific exemptions.

Additionally, when it comes to the territories, we think that it would be appropriate to put a $5 million authorization for each of those territories rather than in the aggregate as it is so specified in the House legislation.

Additionally, there is one item mentioned in the House report which we have opposed because we do not think it qualifies as emergency relief down in Louisiana, a fine State, good Governor and all of that. But those things aside, that problem——

Senator SYMMS. Which is the project, in Louisiana?

Mr. BARNHART. Down in Louisiana.

Senator SYMMS. What is the project?

Mr. BARNHART. Let me find it. It is a box culvert.

Mr. MORGAN. It is $2 million for a box culvert in Louisiana.

Senator SYMMS. For a what?

Mr. BARNHART. A box culvert.

Senator SYMMS. Oh, a culvert?

Mr. BARNHART. Yes, where they allege that it is causing flooding. All engineering studies would indicate that is not correct. We feel the project should be handled out of regular funds, not out of emergency relief funds, and I think it would be kind of a precedent to fund those projects that should normally come out of regular categories with emergency relief funds.

I think you would establish a precedent which would be applied in other areas, and I am aware of other areas around the country where this same thing might be rationalized, and I just don't think it is good policy to have that kind of exeption, but, of course, that is a judgment that would be made by the Congress.

Dick, did I leave off any other substantive things?

I probably did.

Mr. MORGAN. No, sir.

Mr. BARNHART. I would point out that we have a short fall on our estimated costs to the tune of $179.6 million. I do strongly support the additional funding on the one time basis with the match, and with that, we would be happy to respond to any specific questions you might have.

Oh, incidently, Senator, we do not believe there should be changes in definitions regarding eligible items under emergency relief. We do think that we should eliminate the slide definition, because that is a very shaky and indeterminant thing. We think that this item should be deleted from the definition.

Senator SYMMS. Which provision?

Mr. BARNHART. The land slides, and that is on page 6 of my testimony. The present definition of a natural disaster over a wide area includes land slides as one example of a natural disaster which causes damage over a wide area. Land slides seldom, if ever, cause damage over a wide area; it is generally localized, and we think that it should be removed as an example of a natural disaster.

We prefer to limit our positive findings of natural disasters to those diasasters such as earthquakes, tidal waves, hurricanes, floods, et cetera, that do encompass a large area.

You have so many areas that are slide prone where it is a continuous thing, and we don't think it should fall within the category of the emergency relief.

In the instance of California, we think, however, because that has been such a massive and longstanding problem, that does warrant special consideration of the Congress.

Mr. MORGAN. I think that we would still consider certain land slides eligible for emergency relief funding, but we would define them under catastrophic failure as opposed to a natural disaster.

There are two different criteria for eligibility in the current statute, and as Mr. Barnhart mentioned, under the natural disaster over a wide area definition, land slides were included.

We would alter the program by including landslides in the definition of catastrophic failure. It would be a more subjective determination and it is more proper.

Senator SYMMS. Thank you, very much. I think you addressed this in the testimony, but I want to get it again so I understand it, and that is, how much money is going to be required to address the needs of all the disasters to date in fiscal year 1984?

Mr. BARNHART. $179.6 million is our estimate as of this moment.

Senator SYMMS. And you are estimating that based on a 75–25 match?

Mr. MORGAN. No, sir.

Mr. BARNHART. No, sir.

Senator SYMMS. That is in total dollars?

Mr. BARNHART. That is in total dollars.

Senator SYMMS. How much of that would be in California and Utah?

Mr. MORGAN. The California share is approximately $87.5 million. Now, that includes $10.1 million for Federal lands and $77.5 million for Federal-aid highways. If you add on to that $50 million for Devils Slide, then it is $50 million more. It would be $137.6 million, total, if you include Devils Slide.

Senator SYMMS. Are we talking, then, that the only State that the cap affects is California?

Mr. MORGAN. No, sir, Utah is also affected. The total needs in Utah are about $95.5 million.

Senator SYMMS. $95.5 million for Utah?

Mr. MORGAN. That includes $11.5 million for Federal lands and about $84 million for Federal-aid highways.

Senator SYMMS. I think you commented on the $30 million ceiling. You prefer, in other words, that we just do this as it is needed when a disaster comes up?

Mr. BARNHART. Yes.

Senator SYMMS. What is the purpose of keeping the cap at all?

Mr. BARNHART. To see that we have some geographically equitable distribution across the country.

Senator SYMMS. Some discipline in the program.

Mr. BARNHART. We cannot spend the whole fund in one specific State, and it is not the nature of disasters to be so limited.

Senator SYMMS. I think I agree with you that it makes sense to look at these things every time they happen.

Mr. BARNHART. I would repeat our request regarding the territories. Where the House has, I believe, $5 million in the aggregate for all the territories. We believe that it would be more appropriate to set a $5 million limitation for each of them and to make it retroactive, because we have had a serious problem this summer where one of them is in very serious trouble.

Senator SYMMS. You heard what Senator Wilson said. As you know, he is a former mayor of San Diego, and I know you worked on the Texas Highway Commission, so you have both had experience from the other side of the coin, and you heard me say that I agree these are the same taxpayers, but your experience tells you that State highway departments will be more scrupulous with the money if there is a State match, and maybe they would be more frugal and more careful in that.

Mr. BARNHART. There is no question about that, and, sometimes when you get into the free Federal buck, people have a tendency to not be exactly prudent in how redesign and reconstruction is made. It is very often goldplated.

I think that we have to continue the same principle of State and Federal cooperative involvement. I believe very strongly in that.

Senator SYMMS. What do you think if, let's say, for example, the House bill has no match. The Senate bill, if we say, could do what the administration is requesting, we are not most likely, the way things work around here, we would have to go to conference; we have to settle something.

Do you think that some of the advantage that you are talking about could be met even if the match wasn't 75–25 but some participation, do you think, is essential?

Mr. BARNHART. I really do. FEMA, under their program, has a 75–25 match. Again, we look at consistency of Federal policy, and I think consistency is something that we are always trying to achieve, and I am not sure that it has to be locked in all the time. But I sure think it is desirable.

Senator SYMMS. I have to agree with you. I think it is desirable also. I know that in California when they had the big earthquake in the Los Angeles area, there was an allowance made where people could get $5,000 of earthquake damage repair on their houses, and it was the biggest bonanza for the house painters in southern California that ever happened.

Everybody had their little match and were willing to fix a crack or two in their house and have their house repainted. As long as they came under the $5,000, it was a gainful match or an unrepayable loan. It was unbelievable the amount of business done.

Mr. BARNHART. I think especially when you have a thing like a disaster, you can have a fracture in a structure, for instance, that may be repaired economically, and, yet, the tendency might be to do the whole cotton picking thing simply because there is no real liability to local government if you can transfer the whole thing over to Federal Government.

They respond to public opinion, and I think public opinion has to be responded to, but I think we have to do it prudently. We just

don't have adequate bucks to take care of all of the emergency things.

Senator SYMMS. And we would have a consistent program with the Federal highway emergency, and the FEMA situation would then be in line, so there would be at least some semblance of consistency.

Mr. BARNHART. That is correct, and I imagine that we are going to have some real problems in trying to resolve that since we have some projects already authorized at 100 percent.

You look at the fairness issue, and someone is going to hve to bite the bullet, but if we don't address it now, I can see this thing continuing on and on and on. Therefore, I think we have to have a time specified as the effective date for the change

Senator SYMMS. Let's go on now. I appreciate your comments on that, Ray, and I think you are correct; even though it is going to be very difficult, I am sympathetic with those local governments and the State government, too, because they have suffered a real drain on revenues.

Mr. BARNHART. I might mention one other thing, and I know what the Congressman concerned about the slide might think in terms of some of the other governmental obstacles to prompt remedial action.

When we get into some of the environmental considerations, we have to go through the hearings that take years and years and years that further inconvenience massive numbers of people in order to accommodate some technicality of the law or some group of individuals that want to thwart the reconstruction of the project.

I guess I am making a pitch, again, for some commonsense in getting some balance into some of our environmental policies. I know in this kind of political atmosphere, the polarization and confrontation in Washington, it is extremely difficult to arrive at any truce on that matter, because environment is the sacred word.

Well, I am an old Eagle Scout, and I love my country and I love my out of doors, but I do think we have to get some balance into how we administer these programs. I think we can do so on a fast track basis without compromising tbe integrity of the process, but we never seem to be able to get down to the decisionmaking because there is always another gimmick that has been attached, by law, in order to delay.

If we could get some relief in some of those areas, we would save literally hundreds of millions of dollars in this program.

Senator SYMMS. I certainly appreciate that comment, and you are certainly correct on that.

On another question that deals somewhat with the environmental question, H.R. 3103 provides funds for Devil's Slide, and this area has had unstable soil for many years.

The question I have is you are saying, in your testimony earlier, that you think slides should not be considered part of a natural disaster, but if the Federal Government should go along with the House position and pay for that road, are there sufficient mechanisms to prevent that road from being built in the same kind of an area and have it just washed over by the ocean again in a few more years?

Mr. BARNHART. That is one of the things we are working on.

Dick.

Mr. MORGAN. When we were talking about slides in the testimony what we were talking about is changing the slide definition from a natural disaster to a catastrophic failure. A catastrophic failure is an isolated instance.

It may be technical, but in our parlance, that is how it should be judged. In the statute, it is under natural disasters so we wouldn't be changing the eligibility of certain slides. On the issue of building it where it won't slide again, I would hope we wouldn't put a nickel into it until we can determine where it should be located. I think that is where it is expensive, because I think extensive relocation is involved in correcting that.

Mr. BARNHART. But we do support the eligibility of a slide.

Senator SYMMS. I understand, but do you think that you can rebuild it without having it fall back in the ocean again?

Mr. MORGAN. I am not saying we can rebuild it. I am saying we can relocate it.

Senator SYMMS. I see. We have got a problem in my State, and your administration has been cooperative with the State on the Horseshoe Bend problem, and I was on that part of the road 2 weeks ago, over the Fourth of July weekend, and it is the same kind of a situation; it is really an unsafe road that is on unstable soil, and it just needs to be rerouted in some fashion to make it a much safer situation.

At the present time, toll facilities are not eligible for Federal aid funds unless an agreement is entered into providing for a free facility once the bonds have been paid. It is the responsibility of the toll authority to collect sufficient revenues to cover construction, and maintenance, and any other contingencies.

Is this prudent policy, or should it be changed?

I know that we have a problem that has probably caused a great deal of consternation to the administrator as well as to this chairman, and this is the tragedy in the Mianus Bridge up in Connecticut which recently collapsed.

The amendment was offered, as you know, on the DOT transportation bill which made it eligible for $21 million in emergency funds, which, in my opinion, it is probably not eligible.

However, I guess Congress can do whatever it wants to do.

Do you think it would be appropriate for us to try to put an amendment on the bill that said the first $21 million in tolls has to be paid back to the trust fund?

Mr. BARNHART. Mr. Chairman, I would rather speak in general terms. I think our policy has been that, for instance, on the Hood Canal Bridge, when there was a catastrophe and it was an eligible item, it was fundable. But, of course, the proceeds from insurance were returned toward the cost for that.

I think there are certainly basic principles that ought to be adhered to. I do not believe there is any need for a change in definition of eligibility. That goes all across the board, whether it is bridges or other elements of our program.

Senator SYMMS. So you think they should have some kind of an escrow account, you mean, that they put the money in?

Mr. BARNHART. On that toll issue, frankly, I have not really addressed that issue. I hadn't thought about it, but I would like to punt on that one until I see the precedence of it.

Senator SYMMS. We will submit the question to you. The question would be that most of these turnpike and toll authorities retain a certain amount of revenues in an escrow account for contingency purposes.

According to the testimony received by this committee last week, Connecticut does not maintain such an account, and, therefore, they, if I understand it correctly, the State is taking money out of highways and has spent it on the other State programs.

Do you think that this kind of an escrow account ought to be mandatory?

Mr. BARNHART. Generally, we have no jurisdiction over toll facilities, so I don't know how we could require such a thing.

Senator SYMMS. I know that the toll authority wants 21 million,. then we ought to do something about protecting the trust fund. Right now, it is very difficult, around here when a couple of Senators come in, there is only 100 of us, and they say they have to have this, and now it is already passed the Senate, anyway, without proper authority.

I was regretful that I wasn't here, but my son was being married last Saturday, and I was not here when it was being passed.

I would like to have made some of these points on the floor so that we are not setting a precedent here that would be hard to reconcile within the future. I think it is at least at a minimum, it is slightly unusual, but it is poor policy for us to get involved in this kind of a thing, I think.

Mr. MORGAN. Senator, section 129 of title 23, United States Code, covers the Federal involvement in toll routes, and it does permit participation in certain toll bridges and tunnels with Federal funds.

As a condition of that Federal participation, it is required that all tolls collected go to that debt service and operation and maintenance. In other words, by statute now, we are involved with toll roads in some instances. It does require that tolls go only to debt service plus operation and maintenance if our funds are used.

Senator SYNMS. Debt service and operation and maintenance?

Mr. MORGAN. Yes, sir.

Mr. BARNHART. Senator, we are talking about the repayment of the $21 million.

Mr. MORGAN. In essence, that is where we can legally become involved in tolls.

Senator SYMMS. In the cases where there are insurance funds available following disasters, are there any of these cases we have?

Mr. MORGAN. The Hood Canal was the most recent one—no, no, sir, I correct myself. The Hood Canal was one, and the Sunshine Skyway was another where insurance was involved.

Both of them were rather widely publicized disasters. In both of those cases, our regulations would require that the emergency Federal funds be reimbursed by the amount of the insurance recovered. In both cases, that has been done.

Senator SYMMS. Are there any requirements as to how insurance funds must be used on these facilities which are maintained as eligible for emergency relief?

Mr. MORGAN. Yes, sir.

Senator SYMMS. The requirements are there that they must pay it back?

Mr. MORGAN. They must go and reduce the Federal share. In other words, where we give emergency relief funds initially, when they collect the insurance, those are credited back to the fund.

Senator SYMMS. I think the last question that I had you have pretty well answered.

How many bridges are there on the toll facilities which, under current law, are not eligible for emergency relief funds?

Mr. BARNHART. I believe it is something over 4,000.

Senator SYMMS. 4,600?

Mr. BARNHART. Yes, sir.

Senator SYMMS. I think you have answered this; the next question I had dealt with the 25-percent matching fund. I think you have pretty well answered that.

You have stated in your testimony that the Administration supports a 75–25 matching share for the emergency relief program.

What is your response to providing 100 percent Federal funds for initial emergency assistance and requiring a 25-percent State match for permanent repair or replacement?

Mr. BARNHART. That hasn't been addressed, Senator, that I know of. I, frankly, am not speaking for the administration, because we have to run that through the system to see how it impacts; my response is it does pose some very legitimate concerns because I think some States are having a very difficult time in getting enough match to fund their portions of the increased level of the highway program now. That might get them some relief, but I would have to have some figures run to see how it affected outlays. We can review that and give you a response.

Senator SYMMS. OK.

We might do that, and while you are reviewing it, you might find out how much unobligated relief money is available, and if there is any, where we could expect to shift it around.

Mr. BARNHART. Senator, that is a very complicated thing, because the ER fund is set up on a different basis than the rest of our operation. Quite frankly, we have emergency relief projects that we have recognized, notified the Governors that the projects are eligible and will be funded, but they aren't clearly and specifically defined.

We have other disasters which are going to be eligible, but we have not yet had sufficient information so we could make a comnitment of authorization of eligibility. So it is going to be a very awkward thing, but we would be happy to get with the staff on how that is handled.

Senator SYMMS. Good.

You estimated in your statement that California would be eligible for $138 million. Senator Cranston said $155 million.

Can you explain the difference?

Mr. MORGAN. No, sir. Those are our preliminary estimates, including Devils Slide. They were at $138 million.

Mr. BARNHART. In Government, that is close.

Mr. MORGAN. That is close enough.

Senator SYMMS. Unfortunately, that is too true with the Federal budget, except we are dealing in billions there. At least we can see what we have done with these highway funds.

How much emergency relief money is the South going to need as a result of the flooding experienced this spring?

Mr. MORGAN. We don't have estimates on all of those yet. We can supply it, Senator.

Senator SYMMS. OK.

Do you have any anticipation of any emergency funds due to the recent flooding on the Colorado River?

Mr. MORGAN. No, sir.

Senator SYMMS. Not yet?

Mr. MORGAN. No, sir.

Senator Symms; Once we pass this bill, you will probably have a whole bunch of them.

Mr. BARNHART. That is why a match would be desirable.

Senator SYMMS. That makes the case, more than anything else.

Thank you, very much for being with us this morning and working with us on a continuing basis. I am interested in some of those insurance questions. We appreciate the cooperation of your highway administration on the bridge up on the St. Joe River on Fall Creek. I am interested in finding out if the people that suffered any damage were able to collect anything from their insurance companies, so, if was it enough, and if the county worked on that. It was an absolute unmitigated disaster to the community, and is causing undue damage and hardship to those people that live and work on that stretch of the St. Joe River.

I can see that the same things happen in California and other States where, when a section of the transportation system, the highways go out, there is just no end to the personal hardship as well as the economic hardships that this causes on the people in those communities.

It literally can shut down their economies, so I think fast action is the case here. We appreciate the cooperation of the Federal Highway Administration and your continued good work, Mr. Barnhart.

Mr. BARNHART. Thank you, sir.

Senator SYMMS. Thank you.

The committee is in recess. The record will be kept open for 2 weeks.

[Whereupon, at 10:34 a.m., the subcommittee recessed, to reconvene at the call of the Chair.]

[Statements submitted for the record and S. 1354 and H.R. 3103 follow:]

STATEMENT BY SENATOR PETE WILSON
BEFORE THE ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE ON TRANSPORTATION
JULY 21, 1983

Mr. Chairman and members, I am pleased to appear before this Committee today to emphasize the importance of S. 1354, legislation to increase the authorizations for emergency relief for highways in FY '83.

This was a traumatic winter for the nation's Federal-Aid highway system. Roads throughout the country were severly damaged by hurricanes, rain, floods, heavy seas, and landslides. The estimated nationwide need for Highway Emergency Relief funds is $351 million. Major damage has occurred in Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Louisiana, Missouri, Nevada, North Carolina, North Dakota, Utah, Washington, and Wyoming. Some of the damage was widespread, like in Arkansas, Utah, California and Utah. Other damage was a single catastrophic incident, like the Spanish Fork Canyon slide in Utah.

My own state, unfortunately, is an excellent example of what has happened nation-wide. California experienced record-setting rainfall and snowfall during the past year, starting in the fall and continuing through the winter and spring. The state was not hit with one, short, localized strom, but with a continuous series of storms which struck the full 770 mile length of the state.

The rain and snow soaked California's mountainous terrain, caused entire hillsides to come down, and hugh slides blocked roads for long periods. The state spent much of the winter attempting to keep the transportation system operating, commerce flowing, and access to communities open.

The state's road system experienced major damage in more than 750 separate areas. The damages on all state roads totaled about $216 million. About $155 million is on federal-aid routes and, therefore, eligible for federal emergency relief. Of the 46 counties in which a state of emergency was declared by the Governor, Federal Emergency Relief for roads has been approved in 27 of them.

The first step in repairing storm damage is to open the roads to keep the transportation system operating. This emergency opening work involved removing slides or making immediate repairs just to provide for through traffic and access to homes and businesses. This work is usually done as soon as crews can safely move into the area.

Local and state governments must bear the initial cost of emergency opening work. Many cities, already hard pressed to fund their regular operations, have been faced with hugh financial drains for storm damage repair. The cost of this work will not be reimbursed until all the paperwork and technical reviews are processed and approvals obtained from the Federal Highway Administration. The costs of just emergency opening work

in California are more than the total storm damage allocation made to California under the current Federal program.

Let me share with you a few examples of the most devastating damage to the system.

In Lake County, north of San Francisco, on Route 20. three-fourths of a mile of roadway was severely damaged, as the whole hillside moved, twisting and ripping up the highway like a ribbon. Traffic was restored to the road soon after the storms, but only over a gravel road. The road has now been paved, but the final restoration work will have to wait until the hillside stops moving.

Highway 50 in the Sierras, one of the major access routes to Lake Tahoe, was closed for 11 weeks by a hugh slide. The closure caused economic hardship to businesses along the route in California and Nevada and to the entire Lake Tahoe tourist community of both states.

There is an interesting sidelight to this road closure. During the closure, the mail -- which we all know must go through -- was delivered across the slide by the reactivated volunteer Pony Express.

Route 1, California's highway along the coast, suffered damage along its length. Sixty-three miles of this route were closed for a time. Access was cut from communities for weeks, as bridges were made unusuable,

and roadways across creeks and rivers were washed away, leaving long gaps. In one case, a Bailey bridge, a prefabricated military type of bridge, had to be placed to provide temporary through traffic. South of Monterey, Route 1 was closed initially to even damage site inspecition teams. The road was closed from both southerly and northerly access, isolating communities. Today there are still communities along three miles of this route which still have access on only a limited basis. In the area just south of San Francisco, a segment of Route 1, providing access to San Francisco, was closed for a long period causing human economic hardship to the tens of thousands of people living in the towns such as Pacifica and Half Moon Bay. This section will be open to traffic only during the daytime until a permanent solution is developed.

The country roads, which provide the major access to Vandenberg Air Force Base, were severly damaged. County Route 20, one of two major access roads to the base, is still closed. The cost to repair these roads alone exceeds $13 million. The county cannot afford to repair the damage with local funds. The county needs to be reassured they will be reimbursed for work on these routes which provide access to a critical military facility.

These situations are but a few examples of the damaged incurred in California. I'm sure other states have similar problems.

To date the state and local communities have expended $25 million to provide emergency opening of Federal-Aid storm damaged roads. $7 million

of this type of work is still under way. Storm damage restoration work, which is work to bring roads back to their prestorm condition, will cost almost $122.5 million.

The Emergency Road Relief Program under the Surface Transportation Assistance Act of 1982, authorized $100 million per year nationwide for storm damage relief, and restricts the relief to $30 million per storm per state. So far FHWA has determined the one storm cap of $30 million applies to California.

Based on the FHWA determination, an allocation of $27 million to local and state federal-aid state route relief, and $3 million for relief for roads on federal lands has been made to California. This is far short of the $155 million needed.

The storms raged over California during three months. It is far from reasonable that a finding was made that only one storm caused the damage. To correct this inequity, this legislation provides the additional $150 million without the $30 million cap.

The state is rushing ahead with restoration contracts and is about to let contracts for $15 million of restoration work. Cities and counties are pursuing similar contracts. This is work that must be completed prior to the upcoming rainy season in order to prevent further damage. To satisfy Federal requirements, emergency relief funds must be

obligated for these restoration contracts prior to advertisement of the contract. With only $27 million available, the State is in a difficult position. It has to decide whether to delay projects until passage of this bill or go ahead with projects using State funds and forever forego Federal relief. The cities and counties are in a similar situation. If this bill is not passed soon, and projects are delayed until fund availability is assured, work will not be completed prior to the beginning of the rainy season. Roads will surely sustain further damage this coming winter.

States need relief now. State and local funds have already been spent to do emergency work. Restoration is beginning to go to contract. The state and local agencies need assurance that increased Federal funds will be forthcoming to ensure timely repair to the Federal Highway System.

The July 5 status of the nationwide Emergency Relief(ER) Funds shows only $36 million remains for allocation nationwide. The remaining $36 million is far short of even California's needs. Other states -- Louisiana, Oregon, West Virginia, Mississippi, Alabama, Utah, Massachusetts, Arkansas, North Carolina, Idaho -- have suffered storm damage and need additional funds. The legislation introduced by Senator Cranston and myself will provide the funds to pay for the storm damage in these states. An increase in emergency funds is needed now to provide funds to these states to ensure repair work can get underway without delay.

Increasing the current authorization for Emergency Road Relief funds by $150 million for the current year would not impact the Federal budget. Funds are currently available from the Federal Highway Trust. This bill would provide the authorization for this year to repay emergency opening work already done and to fund work just getting underway. I, therefore, urge my distinguished colleagues on the Environment and Public Works Committee to expedite passage of this noncontroversial but desperately needed legislation, S.1354.

STATEMENT OF FEDERAL HIGHWAY ADMINISTRATOR, RAY A. BARNHART
BEFORE THE SUBCOMMITTEE ON TRANSPORTATION
OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
UNITED STATES SENATE,
CONCERNING HIGHWAY EMERGENCY RELIEF
July 21, 1983

Mr. Chairman, Members of the Committee, I am pleased to be here to discuss the Federal-Aid Highway Emergency Relief (ER) Program. I will describe the ER Program, discuss the winter storm damages in California between January and March of this year, discuss damages in Utah in April and May of 1983, address the questions in your letter of June 30, 1983, and discuss the provisions of S. 1354 and H.R. 3103, ER bills presently before this Committee.

At the outset, let me say that the Administration supports the purposes of the legislation only if the Federal share is changed from 100 percent to 75 percent.

The ER Program is a special program to provide Federal assistance to State, local, and Federal road authorities for the repair of roads and bridges on the Federal-aid highway systems. To qualify for this assistance, the road or bridge must have been damaged as a result of a widespread natural disaster or have failed catastrophically as a result of some external cause. Failures resulting from pre-existing conditions, physical deterioration, errors in design and the like are not covered under this program. Basically, the ER Program provides assistance to correct failures caused by unanticipated external forces beyond the control of road authorities.

Emergency funds for disaster-damaged roads have been provided since 1934. The present ER Program was codified in section 125 of title 23, United States Code, in 1958. One hundred million dollars ($100,000,000) per year is

authorized for this program with a limit of $30,000,000 per disaster for any given State. The Federal pro-rata share for eligible work is 100 percent. Funds remain available for expenditure during the fiscal year authorized plus the next 2 years.

When a natural disaster or catastrophic failure occurs, the Governor of a State may, by appropriate proclamation, declare an emergency. In some situations, the President may also, at the Governor's request, declare a natural disaster or emergency. A presidential declaration allows the use of several Federal relief programs. In cases not involving a presidential declaration, the Federal Highway Administrator may concur in the Governor's proclamation and authorize use of the Federal-Aid Highway ER Program.

Once an emergency situation is declared, the State may notify the Federal Highway Administration (FHWA) of its intent to request ER funding to repair damage to Federal-aid highway system roads. Upon receipt of this request, we immediately authorize the State to proceed with emergency repairs to minimize damage, protect facilities or restore essential traffic. Federal-aid highway funding participation in this temporary emergency work, as well as any subsequent permanent repair work, is contingent upon a subsequent determination that the damage and repair work qualify under the provisions of section 125.

The FHWA field office in a State works closely with the State and local highway authorities in evaluating damage and determining what must be done and what work is eligible for our participation. Our field office prepares a field report of the emergency conditions as soon as possible and forwards the report along with recommendations to the Federal Highway Administrator. The field report is promptly acted upon by the Administrator who notifies the Governor of

ER funding eligibility. Upon a positive finding by the Administrator, the FHWA Division Administrator works with the State highway agency in developing and implementing specific repair projects in accordance with established procedures and within the limits of funding availability.

CALIFORNIA DISASTERS

The magnitude and extent of the damage to the Federal-aid highway system between January and March 1983 in California due to the series of winter storms is still being evaluated by both the State and FHWA personnel. It is clear that the amount of damage to Federal-aid and Federal roads far exceeds the statutory limit of $30,000,000. Twenty-seven million dollars ($27,000,000) has been allocated to the State for damage repairs on Federal-aid system roads. Another $3 million has been reserved for allocation to Federal agencies to cover emergency repairs on Federal lands highways.

Our current estimates for California's Federal-aid roads is $77.5 million plus $10.1 million for Federal roads for a total of $87.6 million. This does not include the Devil's Slide area on Route 1 which could add about $50 million making the total about $138 million.

UTAH DISASTERS

Eligible work in Utah caused by flooding during April and May 1983 exceeds the $30,000,000 statutory limit as it does in California. To restore Federal-aid highway facilities damaged by a massive landslide in Spanish Fork Canyon, an estimated $41 million is needed. Twenty-two million five hundred thousand dollars ($22,500,000) has already been allocated. An additional $43

million will be needed to repair damage on Federal-aid highways in other parts of the State. This does not include eligible damage to roads on Federal land where the repair estimate is $11.5 million. The total estimated damage in Utah from the April and May disasters is $95.5 million.

ESTIMATES OF NEEDED ER FUNDS

During FY 1983 to date, we have approved funding for or have identified the potential cost of eligible disasters in the amount of approximately $301 million. This includes both disasters from past years and new disasters which have occurred during this fiscal year. It also includes amounts in California and Utah in excess of the $30 million ceiling. This total does not include the Devil's Slide area of California which is estimated at about $50 million. We presently estimate that we will obligate this fiscal year approximately $170 million of the $171.4 million currently available. This would leave an unfunded balance of current needs of approximately $131 million or $181 million if Devil's Slide is included. We can expect additional disaster funding demands during the last 3 months of this fiscal year due to additional snow melt, flooding and unforseen events. Therefore, it is entirely possible that we could enter FY 1984 with an unfunded balance of disaster needs approaching $200 million.

Due to the uncertain nature of this program, estimating future year funding needs is highly speculative at best. Nevertheless, we estimate ER funding needs to cover expected obligations are $200 million for FY 1984, $150 million for FY 1985 and $100 million for FY 1986 based upon a Federal participation of 100 percent.

THE $30 MILLION CEILING

On balance, we would not recommend removing the $30 million cap across the board. The cap has ensured that the $100 million annual authorization is not diverted to calamitous disasters in one or two States at the expense of other States. The recent California and Utah disasters bear witness to what could happen to the ER fund if there were no constraint. If there were no cap these two disasters would consume most of the available funding over at least a two year period. While their needs are great, as a matter of equity it is inappropriate to neglect other States with severe disaster damage, but of a lesser magnitude. The $30 million cap ensures a more equitable distribution of funds and requires Congressional oversight on major disaster funding needs which exceed it. In this regard, we support statutory language to permit additional funding specifically for these disasters in California and Utah but we urge that the cap not be generally lifted. We believe that the Congress should establish the precedent that funding in excess of the $30 million cap should be granted on a case-by-case basis, and even then, only by statute. We do not support any emergency relief legislation which does not establish a State matching share of 25 percent.

THE STATE MATCHING SHARE

While current law provides a 100 percent Federal share for ER we believe that States should be required to provide a matching share. A State's management of Federal funds improves when the State must commit its own funds as well as Federal funds to a project or a program of projects. Our recommended Federal share on ER projects is 75 percent on other than Federal

owned roads. This would not reduce the funds available to any State, but would insure that the funds are available to fund more projects. This 75 percent share would be the same percentage as that provided by the Federal Emergency Management Agency (FEMA) for other types of disaster relief projects.

DISASTER DEFINITION

The present definition of a "natural disaster over a wide area" includes landslides as one example of a natural disaster which causes damage over a wide area. Landslides seldom, if ever, cause damage over a wide area. Landslides should be removed as an example of a natural disaster in subsection (a) of Section 125, United States Code. The examples of floods, hurricanes, tidal waves, earthquakes, and severe storms should be retained. The FHWA prefers to limit positive findings of natural disasters to those disasters over a wide area.

If an individual landslide extending to the traveled way is to be deemed eligible for ER funds, it should be justified as a catastrophic failure on a case by case basis. A slide in a slide prone area should not be eligible unless very significantly accelerated by highly unusual external forces. Regular eligibility findings of routine individual slides will substantially increase the demand on limited ER funds. The correction of unstable pre-existing slide conditions, for the most part, should be financed by regular highway funds.

S. 1354 AND H.R. 3103

Two bills dealing with ER, S. 1354 and H.R. 3103, are presently before

this committee. As H.R. 3103 contains the provisions of S. 1354, I will discuss H.R. 3103.

The bill would increase the fiscal year 1983 authorization for ER from $100,000,000 to $250,000,000, extend ER eligibility to the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands; limit the obligations for projects in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands to $5,000,000 in the aggregate; and provide that the limitation on expenditures per disaster in a State and the limitation on expenditures per fiscal year in the territories shall not apply to the additional $150,000,000 authorized for fiscal year 1983.

We do not support any emergency relief legislation that does not reduce the Federal matching share from 100 percent to 75 percent. With a 100 percent Federal share, the States have no incentive to use funds available from other sources that require a State matching share or to manage ER funds effectively. Any support we give to H.R. 3103 is contingent upon the establishment of a Federal share of 75 percent.

As a technical matter an effective date should be established for extending coverage to the territories. An effective date of April 15, 1983, would cover a disaster that occurred in the territories during this fiscal year.

We would prefer to lift the $30 million cap specifically for the California and Utah disasters rather than exempting the $150 million increase from the cap.

We support the increase in ER authorizations for fiscal year 1983 subject to reducing the Federal share. Under current law, the additional $150,000,000 is needed. Estimates to repair ER-eligible damage from the January 21 - March 30 storms in one State alone, California, approach this figure if the Devil's Slide area is included. Excluding these storms, allocations for ER-eligible damages in other States during disaster-intensive FY 1983 have already exceeded $100 million and are expected to increase substantially. Costs to repair ER-eligible damages from an April landslide in Thistle, Utah, are expected to exceed the $30 million limit that the Surface Transportation Assistance Act of 1982 placed on a single disaster in any State. Barring any additional major disasters, the $150,000,000 should be adequate to cover the unusual disaster conditions which have occurred this year.

We also support extending ER eligibility to the territories subject to reducing the Federal share. We see no logic in excluding the territories from ER benefits. Making the territories eligible for emergency relief funding will provide coverage to the recently created Federal-aid primary road system and the Federal land roads in each territory. These roads are not presently covered by the emergency relief program. We do think, considering the uncertainty of disaster needs, that the limit on territorial emergency relief is too low. We support a limit of $5,000,000 per fiscal year per individual territory.

The bill would make the Devil's Slide on State highway route 1 in San Mateo, California, which was destroyed in fiscal year 1983, eligible for emergency relief. Although regular Federal-aid funds would normally be used to correct problems created by long-active slides, due to the severity of this

occurrence, this Department would not oppose ER eligibility extension. The bill would also extend emergency relief eligibility to a $2,000,000 project in Carencro, Louisiana. The Department believes that the Louisiana project should be handled with regular Federal-aid funds. The project is not related to a natural disaster or to a catastrophic failure from an external cause.

As a courtesy to this committee, we are providing draft language which we provided to the House Public Works and Transportation Committee, at their request, to correct a technical error in the Surface Transportation Assistance Act of 1982. The language would amend the ER provisions of title 23, United States Code. However, we do not believe technical amendments are necessary and do not support any at this time.

That concludes my statement. I would be happy to respond to your questions.

TECHNICAL AMENDMENT

Section _____ (a) The first sentence of subsection (f) of section 120 of title 23, United States Code, is amended by replacing the colon after the word "thereof" with a period and by striking the rest of the sentence.

(b) Subsection (b) of section 125 of title 23, United States Code, is amended by striking "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System" in the two places the stricken words appear.

(c) Subsection (c) of section 125 of title 23, United States Code, is amended by striking "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

ANALYSIS, TECHNICAL AMENDMENT

Subsection (a) would strike superfluous language in 23 U.S.C. 120(f). Subsections (b) and (c) would replace language that was inadvertently added by the Surface Transportation Assistance Act of 1982 with the original language.

ALAN J. DIXON
ILLINOIS

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
BANKING, HOUSING, AND URBAN AFFAIRS
SMALL BUSINESS

United States Senate
WASHINGTON, D.C. 20510

August 4, 1983

The Honorable Steven D. Symms, Chairman
Subcommittee on Transportation
Committee on Environment and Public Works
412 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Steve:

As you know, H.R. 3103, a House-passed highway emergency relief bill, is currently pending before the Senate Committee on Environment and Public Works. One of the provisions in that bill is very important to my state. This provision clarifies that the Valley City bridge is eligible for funding under the discretionary bridge program.

The proposed new bridge is a key part of the Central Illinois Expressway, a new East-West freeway across central Illinois. Construction of this new route has been underway for a number of years, and is completed to a point within about four miles of the proposed site of the new bridge.

The new route is a replacement for U.S. routes 36 and 54, which runs about four and one-half miles south of the expressway at the proposed crossing of the Illinois River. Route 36-54 is totally inadequate for the volume of traffic it has to carry, and has a very high accident rate. The old road is too old and too narrow. It is simply not capable of handling current and anticipated transportation needs.

The new expressway will greatly enhance the economic development possibilities in Central Illinois, particularly for Quincy, a city with an unemployment rate of 16.9%.

West Central Illinois is sometimes called "Forgottonia" by those who reside there. This name is not used in jest, but rather to indicate that this part of Illinois feels that its needs are too often ignored by both the State and Federal Government. The new Central Illinois Expressway is a key step towards reversing that perception, demonstrating that the Federal and State governments are prepared to seriously address the major infrastructure needs of this part of Illinois.

Planning and public hearings on the new expressway started over 20 years ago. Construction of the new Illinois River crossing, however, has been blocked since June 26, 1980, or over three years ago. On that date, a preliminary injunction against construction of the new bridge was entered by Federal District Judge Will. On April 6, 1983, Judge Will made the injunction permanent. That order is currently under appeal.

Judge Will issued the injunction for a number of reasons. One of his principal justifications was his belief that the new bridge was not eligible for Section 144 discretionary bridge funding because the old bridge on Route 36-54 would be kept in service in a downgraded role, and the new bridge is not physically located where the old one stands. I won't go into the merits of that contention in detail, except to state that the Federal Highway Administration thought that the new bridge was eligible, and approved the allocation of $28 million for the project.

The problem, now, however, is to clarify the intent of Congress with respect to the eligibility of this bridge for federal funding. The amendment included in H.R. 3103 accomplishes that objective, and it is essential that it is quickly enacted into law.

It should be noted that there is no real question over whether the new expressway should be built. Judge Will, in his written opinion, stated: "We have no doubt about the desirability of constructing a four lane limited access freeway through west-central Illinois in an east-west corridor defined generally by Decatur, Springfield, Jacksonville, and the Quincy-Hannibal, Missouri, area. The need for such a thoroughfare is apparent from the record. We are surprised that this so-called central Illinois Expressway has been more than 20 years in the planning and construction."

I urge you, therefore, recognizing the urgent need for the new expressway and its new bridge across the Illinois River, to do everything you can to see that the necessary clarification of Section 144 is enacted as quickly as is possible.

Such a clarification, as you well know, is not without precedent, and I am grateful that the Committee was able to accept an amendment Senator Percy and I offered to the Surface Transportation Assistance Act of 1982 to clarify the eligibility of a proposed new bridge at LaSalle-Peru, Illinois.

The situation with respect to the Valley City bridge is an identical one. The new bridge cannot be built alongside the old one. Attempting to build a four lane, limited access route in the right-of-way of the old road would have a devastating impact on farms, businesses, and communities along the old route.

However, it does not make sense to tear down a bridge that has 20 years of life remaining and therefore could be used to serve local traffic, simply because the new through route is being constructed slightly to the north. The new bridge is clearly a functional replacement for the old one, and I don't think it makes sense to read the law in a narrow way that would require destruction of the existing bridge.

So that there is not any confusion, let me state categorically that enactment of the amendment now included in H.R. 3103 will not prejudge or interfere in any way with the environmental question at issue in the pending legislation. It would merely serve to eliminate the side issue of funding eligibility, so that the litigation could focus on the environmental questions truly in controversy.

Quick enactment of the funding clarification could also help expedite the litigation process, helping to advance the day construction of the vitally-needed bridge can begin at whatever site the courts approve.

Action is needed in the near future if further lengthy delays are to be avoided. Unless Congress can act expeditiously on the funding matter, there is a real danger that the litigation process would have to start all over when the essential federal funding is finally cleared for use. Additional years of litigation would serve no useful purpose, would result in additional costs, and would further deny central Illinois the essential infrastructure investments it needs to improve its economic development potential.

I again, therefore, urge your support for language clarifying the eligibility of the new Illinois River bridge in the Valley City area for Section 144 discretionary bridge program funding. This clarification has my strong support, and is strongly supported across Illinois. It needs and deserves your help. I hope you can include a copy of this letter in the hearing record on H.R. 3103.

Thank you in advance for any help you can provide. I look forward to receiving your reply.

Kindest personal regards.

Sincerely,

Alan J. Dixon

CHARLES H. PERCY
ILLINOIS

Charles H. Percy

United States Senate

WASHINGTON, D.C. 20510

August 4, 1983

Testimony of Senator Charles H. Percy
before the Senate
Subcommittee on Transportation

Mr. Chairman, I appreciate having this opportunity to submit comments in support of an amendment which would make eligible for federal bridge replacement and rehabilitation funding the Central Illinois Expressway Bridge over the Illinois River. The House included such an amendment in H.R. 3103, the emergency relief highway legislation.

The need for this clarifying legislation arose earlier this year when a federal district court ruled that the bridge was technically not eligible for funding under the highway bridge replacement and reconstruction program becuase the State of Illinois is not actually going to do away with the existing bridge and construct a new one at the same location. Rather, plans call for the construction of a new bridge a short distance away.

You may recall a similar amendment that I offered to the Surface Transportation Assistance Act of 1982. The bridge addressed by that amendment, the LaSalle-Peru Bridge in Illinois, also was not technically eligible for funding under Section 144 of Title 23 because plans called for the construction of a new bridge on a new location, rather than the reconstruction of the existing structure. With the Committee's generous support, my amendment was adopted by the Senate and signed into law.

I would like to point out that this amendment does not authorize additional federal funding. The Administration has already approved $28 million for the construction of the Central Illinois Expressway Bridge, and this amendment simply reaffirms that the bridge is, indeed, eligible for that funding.

Mr. Chairman, this expressway will link Quincy, Jacksonville, Springfield and other communities in west-central Illinois. It is a project that is vital to the economic development of this area of my home state. Indeed, the federal court stated that the need for the expressway is apparent, and that it would be prepared to lift the injunction blocking construction of the bridge if clarifying legislation is enacted.

Mr. Chairman, I would ask that a copy of the amendment be included in the hearing record immediately following my remarks.

I thank the Committee.

* * * * *

That construction of any bridge--

(1) which will be part of a four-lane expressway on the Federal-aid primary system in the vicinity of Valley City, Illinois, and Florence, Illinois;

(2) construction of which received discretionary funding in fiscal year 1979 under the third sentence of section 144(g) of title 23, United States Code; and

(3) construction of which, on May 1, 1983, was prohibited by judicial injunction;

shall be eligible for assistance under section 144 of such title.

Natural Resources Defense Council, Inc.

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WASHINGTON, D.C. 20006

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25 KEARNY STREET
SAN FRANCISCO, CALIF. 94108
415 421-6561

July 15, 1983

The Honorable Steven D. Symms
U.S. Senate
452 Senate Rayburn Office Building
Washington, D.C. 20510

Dear Senator Symms:

The Natural Resources Defense Council (NRDC), a public interest environmental organization of 35,000 members, wishes to submit its views on the bills concerning emergency repair of flood-damaged highways currently before the Subcommittee on Transportation.

As you know, the House bill, H.R. 3103, contains a rider which exempts a single bridge in Illinois from the provisions of the federal bridge replacement program. NRDC urges you to oppose efforts to attach a similar rider to the Senate bill.

Our main objection to the bridge construction is environmental: highway officials have insisted upon a location which will damage one of the few natural areas remaining in the state, an area which shelters our endangered national symbol, the bald eagle, as well as several animal and plant species endangered in Illinois. It is important to remember that alternative bridge sites which would not cause similar environmental damage are available nearby. There is no reason why economic development and conservation cannot exist side by side in this situation.

Our second objection is fiscal: the bridge in question is not to be repaired or replaced, but a completely new, higher capacity structure is to be built. We oppose use of funds from a program with a specific purpose -- repair of damaged or dangerous bridges -- to carry out another goal -- construction of a new bridge. If the Illinois bridge project has merit, it should be funded under the usual procedures.

Thank you for this opportunity to express our views. I ask that they be included as part of the record of the hearing on July 21, 1983.

Sincerely,

Faith Thompson Campbell

Faith T. Campbell, Ph.D.

FTC/cr

98TH CONGRESS
1ST SESSION

S. 1354

To increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24 (legislative day, MAY 16), 1983

Mr. CRANSTON (for himself and Mr. WILSON) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1933 from $100,000,000 to $250,000,000, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That, in addition to any amounts authorized to be appropriated by section 125 of title 23, United States Code, for the fiscal year ending September 30, 1983, there is authorized to be appropriated, out of the Highway Trust Fund, for such fiscal year, $150,000,000 to carry out such section.

SEC. 2. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code, limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by the first section of this Act.

SEC. 3. A project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide, and which, until its destruction, had served as the only reasonable access between two cities and as the designated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

98TH CONGRESS
1ST SESSION

H. R. 3103

IN THE SENATE OF THE UNITED STATES

JUNE 14 (legislative day, JUNE 13), 1983
Received; read twice and referred to the Committee on Environment and Public Works

AN ACT

To increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to any amounts authorized to be appropriated by section 125 of title 23, United States Code, for the fiscal year ending September 30, 1983, there is authorized to be appropriated, out of the Highway Trust Fund, for such fiscal year $150,000,000 to carry out such section.

SEC. 2. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000.".

SEC. 3. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code (as amended by section 2(b) of this Act), limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by the first section of this Act.

SEC. 4. A project to alleviate flooding conditions caused by an inadequate box culvert under an Interstate highway in the vicinity of Carencro, Louisiana—

(1) by removal of such box culvert and construction of one or more bridges, or

(2) by construction of drainage ditches,

at a cost not to exceed $2,000,000, shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 5. A project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide and which, until its destruction, had served as the only reasonable access between two cities and as the designated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 6. Construction of any bridge—

(1) which will be part of a four-lane expressway on the Federal-aid primary system in the vicinity of Valley City, Illinois, and Florence, Illinois;

(2) construction of which received discretionary funding in fiscal year 1979 under the third sentence of section 144(g) of title 23, United States Code; and

(3) construction of which, on May 1, 1983, was prohibited by judicial injunction;

shall be eligible for assistance under section 144 of such title.

Passed the House of Representatives June 13, 1983.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

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